

Introduced by Senator Margett

January 23, 2007

An act to add Section 935.75 to the Government Code, relating to state claims.

LEGISLATIVE COUNSEL'S DIGEST

SB 128, as introduced, Margett. State claims: Department of the California Highway Patrol.

Under existing law, the California Victim Compensation and Government Claims Board may authorize any state agency to settle and pay certain claims for money or damages against the state if the settlement does not exceed \$1,000 or that lesser amount as the board may determine, or to reject the claim and provide a specified notice.

This bill would, notwithstanding the above provision, authorize the Department of the California Highway Patrol to deny or adjust and pay a claim arising out of the activities of the department without the prior approval of the California Victim Compensation and Government Claims Board if the amount claimed is \$10,000 or less and the Director of Finance or the Commissioner of the California Highway Patrol certifies that a sufficient appropriation for the payment of the claim exists.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 935.75 is added to the Government Code,
- 2 to read:

1 935.75. (a) Notwithstanding Section 935.6, the Department
2 of the California Highway Patrol may deny or adjust and pay a
3 claim arising out of the activities of the department without the
4 prior approval of the California Victim Compensation and
5 Government Claims Board if both of the following conditions
6 exist:

7 (1) The amount claimed is ten thousand dollars (\$10,000) or
8 less.

9 (2) The Director of Finance or the Commissioner of the
10 California Highway Patrol certifies that a sufficient appropriation
11 for the payment of the claim exists.

12 (b) If the department elects not to pay a claim, the department
13 shall provide the notice required by Section 913.

14 (c) A person who submits a claim arising out of an activity of
15 the Department of the California Highway Patrol shall comply
16 with all other applicable provisions of this part relating to claims
17 against state agencies.